

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

HAROLD PARKER

v.

C.A. NO. 09-433 ML

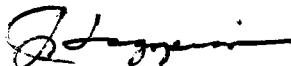
RHODE ISLAND DEPARTMENT OF CORRECTIONS

REPORT AND RECOMMENDATION

Presently before the Court is a motion filed by plaintiff Harold Parker, *pro se*, for leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a)(2) (Docket #2). Plaintiff, an inmate at the Adult Correctional Institutions (the “ACI”) in Cranston, Rhode Island, filed a complaint pursuant to 42 U.S.C. § 1983 complaining about the conditions of his confinement at the ACI (Docket # 1). This matter has been referred to me for determination; however, upon screening the Complaint, as required by 28 U.S.C. § 1915(e)(2), I have found that the Complaint fails to name a defendant,¹ and, thus, the Complaint, as currently written, fails to state a claim upon which relief may be granted. Therefore, by way of this Report and Recommendation, I recommend that the Complaint be DISMISSED without prejudice and plaintiff’s instant motion for leave to proceed *in forma pauperis* be DENIED at this time.

Any objection to this Report and Recommendation must be specific and must be filed with the Clerk of Court within ten days of its receipt. Fed R. Civ. P. 72(b); LR Cv 72(d). Failure to file timely, specific objections to this report constitutes waiver of both the right to review by the district court and the right to appeal the district court’s decision. *United States v. Valencia-Copete*, 792 F.2d 4, 6 (1st Cir. 1986)(per curiam); *Park Motor Mart, Inc. v. Ford Motor Co.*, 616 F.2d 603, 605 (1st Cir. 1980).

IT IS SO ORDERED.



Jacob Hagopian
Senior United States Magistrate Judge
October 20, 2009

¹The Rhode Island Department of Corrections was listed as the defendant in order for the Complaint to be docketed; however, a review of the Complaint reveals that plaintiff did not include a heading and neither the Civil Cover Sheet nor the body of the Complaint names a defendant.